


# FLORIDA HIGHWAY PATROL

## POLICY MANUAL

	SUBJECT ELECTRONIC CONTROL DEVICE	POLICY NUMBER 10.05
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### 10.05.01 PURPOSE

The purpose of this policy is to establish guidelines for Florida Highway Patrol members on the use, carrying, certification and reporting requirements as they relate to the Division approved Electronic Control Device (ECD).

### 10.05.02 POLICY

Members of the Florida Highway Patrol shall in every instance seek to employ the minimum amount of control required to successfully overcome physical resistance, prevent escapes, and effect arrests. Members' actions must be objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. It is the policy of the Florida Highway Patrol to use only that level of force that reasonably appears necessary to control non-compliant individuals who have escalated their level of resistance from passive physical resistance to active physical resistance (i.e.: bracing, tensing, pushing, or pulling). ECDs may be used by authorized and trained personnel in accordance with FHP Policy 10.01 and additional guidelines established in this policy.

### 10.05.03 DEFINITIONS

- A. **ELECTRONIC CONTROL DEVICE (ECD)** - A device designed to disrupt a subject's motor and sensory nervous system by deploying battery-powered electrical energy sufficient to cause Neuro-Muscular Incapacitation (NMI) and override voluntary motor responses. The *TASER X-26* System is the Electronic Control Device authorized for use by the Florida Highway Patrol.
- B. **AFIDs – (Anti-Felon IDentification)** Confetti-like pieces of paper that are expelled from the cartridge when fired. Each anti-felon identification (AFID) tag contains an alpha-numeric identifier unique to the cartridge used.
- C. **DEPLOYMENT** – The intentional or unintentional discharge of the ECD at or toward a subject using either probes or drive stun mode. Deployment does not include testing, training, or display of the ECD without the discharge of electrical current.
- D. **DRIVE STUN MODE** – A manner in which the ECD is deployed without the propulsion of the probes.

- E. **CARTRIDGE** - A replaceable cartridge for the ECD which uses compressed nitrogen to fire two barbed probes on thin connecting wires conducting the energy in a subject.
- F. **DATAPORT** – The electronic USB port on the ECD which permits it to be connected to a computer to download ECD data.
- G. **PROBE** - A metal dart that is propelled from the cartridge.
- H. **POWER MAGAZINE** – A custom lithium energy cell power supply system for the Electronic Control Device. (ECD)
- I. **SPARK TEST:** A test activation conducted without a cartridge installed to ensure that the ECD is operational.
- J. **ECD INSTRUCTOR** – A member of the Division who has obtained an instructor certification from TASER International.
- K. **ECD STATEWIDE COORDINATOR** – The FHP Academy Staff member appointed by the Chief Training Officer to oversee training and related issues concerning the approved ECD.
- L. **ECD ARMORER** – The FHP Academy Staff member appointed by the Chief Training Officer authorized to conduct limited maintenance and repairs on the ECD. The Chief Training Officer will appoint an ECD Armorer and Assistant ECD Armorer. The ECD Armorer and Assistant ECD Armorer are required to successfully complete the manufacturer's Armorer (TASER) course.
- M. **ACTIVE RESISTANCE** – A subject's use of physically evasive movements directed toward the member. Examples include: bracing, tensing, pushing, or pulling, to prevent the officer from establishing control over the subject.
- N. **PASSIVE RESISTANCE** – A subject's verbal and/or physical refusal to comply with a member's lawful direction causing the member to use physical techniques to establish control. Examples include: the subject refuses to move at the member's direction, the subject peacefully protests at a political event in a public location and the subject refuses to take his hands out of his pockets or from behind his back.
- O. **EXCITED DELIRIUM** – A subject's exhibition of signs of extreme uncontrolled agitation or hyperactivity prior to the ECD exposure.

#### **10.05.04 PROCEDURES**

##### **A. AUTHORIZED USE/TRAINING**

Prior to carrying an ECD, members shall successfully complete agency approved training in the proper use, handling and care of the device. Training shall include, but not be limited to, the following:

1. Basic certification for the use of an ECD shall consist of no less than the manufacturer's minimum recommendation and only current Certified ECD Instructors are eligible to instruct in the use of the device. During initial training, members will be required to be exposed to the effects of the ECD. **(NOTE: ONLY THOSE MEMBERS WHO HAVE BEEN EXPOSED TO THE EFFECTS OF THE ECD WILL BE AUTHORIZED TO CARRY THE DEVICE.)**
2. Recertification shall be conducted annually by only certified ECD instructors. Recertification will include a minimum of four hours of training.
3. Training topics shall include, minimally:
  - (a) Deployment/Use;
  - (b) Response to Resistance and other Tactical Options;
  - (c) ECD/Retention and Transition Drills;
  - (d) Scenario Based Training;
  - (e) Proper removal of ECD probes;
  - (f) Medical Considerations; including excited delirium;
  - (g) Reporting Requirements; and
  - (h) Legal updates.
4. Members who are unable to demonstrate the required proficiency with issued ECD's will receive remedial training as outlined in FHP Policy #26.05. These members will be required to surrender the ECD to a supervisor until they have satisfactorily completed the remedial training.
5. The ECD instructor is required to bring a first-aid/trauma kit to every training session where students will be required to be exposed to the effects of the ECD.
6. Office Operations Managers shall maintain a record of each ECD issued in their respective troop for official use to include:
  - (a) Serial number;
  - (b) DHSMV property number;
  - (c) Cartridge identification number/expiration dates; and
  - (d) Any other information deemed necessary by the Division.

**NOTE:** This section does not exempt custodian delegates and inventory appointees from performing their duties with regard to Evidence/Property Control as outlined in Chapter 12.02 of this manual.

7. The Fleet/Property section shall maintain a master statewide database tracking the ECD serial number and related equipment issued to the field.

**B. DEVICE READINESS**

1. The ECD will be carried in an approved cross-draw holster on the side of the body opposite the service hand-gun. Members who are assigned plain clothes or CIP duties may utilize other Department approved holsters as deemed necessary.
2. The device shall be carried with the safety on in preparation for immediate use.
3. Members authorized to use the device shall be issued a minimum of one spare cartridge. The spare cartridges shall be stored, carried, and replaced in a manner consistent with training.
4. Department issued ECD Power Magazines should be replaced when the capacity drops to 20% or less. The used ECD Power Magazine shall be forwarded to the Troop ECD instructor for training purposes.
5. Members will conduct a spark test at the beginning of each shift. This will be performed in a safe manner and location to ensure there are no injuries to personnel or damage to equipment. The spark test shall not be conducted, as much as possible, within public view. (**NOTE:** a spark test is not conducted with a cartridge installed.)
6. No changes, alterations, modifications, or substitutions shall be made to the ECD. All repairs to the ECD or accessories shall be performed by the Division ECD Armorer (or Assistant ECD Armorer) who has received the manufacturer's certification.
  - (a) In the event the ECD malfunctions or is in need of repair, members shall notify their supervisor. The device shall be immediately taken out of service and returned to the Training Academy via Office Operations Manager, for repair, disposal, or replacement. The Division ECD Armorer shall notify the Fleet Property Section and Fixed Assets of any ECD replacement or disposal.
  - (b) If possible, prior to any ECD being repaired or put out of service, a final download of the data shall be made for record purposes.
  - (c) The Troop Commander or his/her designee and Training Academy shall maintain dataport download information.
7. ECD's shall be inspected semi-annually by a certified ECD instructor to ensure that they are functioning properly and that they are being taken care of in accordance with the manufacturer's recommendations.

- (a) As part of the semi-annual inspection, device information shall be downloaded from the dataport by an ECD instructor (or other member authorized by the Troop Commander) and reviewed to verify reporting information regarding ECD deployments. The semi-annual cycles will be January through June and July through December.
  - (b) Data found to be inconsistent with required reports submitted or training rosters shall be immediately reported to the troop commander and investigated by a supervisor.
8. ECD's and related accessories shall be properly secured while members are not working in an official capacity. (The ECD will be secured in the trunk of the member's patrol vehicle or inside his or her residence when the member is off-duty.)

#### C. DEPLOYMENT

In accordance with Section 943.1717(1), Florida Statutes, a member's decision to deploy the ECD shall involve an arrest or custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the member from passive physical resistance to active physical resistance, and the person:

- (a) Has the apparent ability to physically threaten the member or others; or,
  - (b) Is preparing or attempting to flee or escape. **(NOTE: Fleeing cannot be the sole reason for deployment of the ECD.)**
1. The ECD is considered an intermediate control device, and the decision to utilize it involves the same basic justifications as with the use of the ASR. Unless exigent circumstances exist, members **shall not** use the device in the following situations:
- (a) In a punitive or coercive manner;
  - (b) On a handcuffed or secured prisoner;
  - (c) In an environment where the member knows that a potentially flammable, volatile, or explosive material is present (including, but not limited to, OC spray with volatile propellant, gasoline, natural gas, or propane);
  - (d) Unless the use of deadly force is justified, in any environment where the subject's fall could reasonably result in death (such as in water or on an elevated structure); and
  - (e) Special consideration should be taken if the subject is in possession of a weapon or firearm. Due to the involuntary muscle contractions which may occur, subjects could discharge a firearm, move a knife uncontrollably, or squeeze other dangerous or evidentiary items.

- (f) The ECD will not be exhibited in a playful or unprofessional manner. Horseplay is prohibited and will not be tolerated. Members who violate this provision are subject to disciplinary action.

**NOTE:** There may be incidents in which the use of an ECD conflicts with (b) through (f) above. In those cases, the use of the ECD must be based on justifiable facts and are subject to "Use of Control" supervisory review.

2. As in all uses of control, certain individuals may be more susceptible to injury. Members should be aware of the greater potential for injury when using an ECD against:
  - (a) Individuals who appear to be minors;
  - (b) The elderly;
  - (c) Persons of small build regardless of age;
  - (d) Women who are obviously pregnant; or
  - (e) Persons equipped with a pacemaker, or in obvious ill health.
3. In preparation for firing, the ECD shall be pointed in a safe direction, taken off safety, and then aimed. Center mass of the subject should be the primary target where possible.
4. When reasonable, members preparing to fire the device should announce a verbal warning such as, "Stop Resisting, Taser!, Taser!, Taser!" to warn the violator, and to alert other officers at the scene of the impending deployment.
5. The subject should be secured and handcuffed as soon as practical while disabled by the ECD to minimize the number of deployment cycles. In determining the need for additional energy cycles, members should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
6. Upon firing the device, the member shall energize the subject the least number of times and not longer than necessary to accomplish compliance.
  - (a) When practical, the member deploying the ECD should attempt to secure additional backup to assist with taking the subject into custody.
  - (b) No more than one member at a time should deploy the ECD at a subject.
7. The ECD may also be used in certain circumstances in a "drive stun" mode. It is important to remember that when the device is used in this manner, it is:
  - (a) Primarily a pain compliance tool due to a lack of probe spread;
  - (b) Minimally effective compared to conventional cartridge-type deployments;

- (c) More likely to leave marks on the subject's skin; and
  - (d) Subject to the same deployment (use) guidelines and restrictions as those of the ECD in cartridge deployments.
8. The ECD shall be pointed in a safe direction with the safety on during loading, unloading, or when handled in other than an operational deployment.
  9. An ECD may be used on animals in circumstances where the use of such device is necessary for the safety of the member, the public, or the animal. Members should be aware of the possibility of an aggressive response from the animal after deployment, however.
  10. The ECD instructor or authorized supervisor will be required to download ECD data anytime it is deployed. The download will be conducted by the end of the deploying member's shift.

#### D. POST DEPLOYMENT/AFTERCARE

1. The ECD probes may be removed from the subject after they are properly restrained following procedures outlined in training. Probes may only be removed by certified ECD "users" and/or EMS personnel. Universal precautions (i.e., *latex exam gloves or something similar in nature*) shall be utilized when removing the probes.
  - (a) Same gender members should be utilized to remove probes whenever practicable.
  - (b) The used probes will be treated as biohazard material and will be handled in a manner consistent with training and FHP Policy 21.01.
2. Members shall summon medical assistance in any of the following situations:
  - (a) The subject requests medical attention;
  - (b) The ECD probes were deployed in a sensitive area (e.g., face, head, female breast, or groin.);
  - (c) The members are having difficulty removing the probes;
  - (d) Subject does not appear to recover properly after deployment; or
  - (e) Subject has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to the ECD exposure (Excited Delirium).
3. Photographs of the affected area shall be taken after the probes are removed. Photographs, probes, cartridges, wire leads, and AFIDS (where practicable) shall be submitted as evidence and shall be entered into the Evidence/Property function prior to the end of shift.

#### E. REPORTING REQUIREMENTS

1. The deploying member shall immediately notify his or her supervisor after the deployment of an ECD.
2. Members shall follow all reporting requirements outlined in FHP Policy 10.01 subsequent to an ECD deployment. Reports are required under every condition in which the ECD is deployed, regardless of whether the intended target was struck or not. Reports which are required include:
  - (a) Arrest/Notice to Appear Report (HSMV60005); or
  - (b) Offense/Incident Report (HSMV 60009);
  - (c) ECD User Report (HSMV61230) to be completed by the member who actually deployed the ECD, and;
  - (d) Copy of the originating document (i.e., crash report, citation, written warning, faulty equipment notice, assist other agency, CIP, DUI, etc.)
3. A supervisory Use of Control Report shall be completed any time an ECD is deployed.
4. In those situations where an ECD is displayed but not deployed, an ECD User Report will be completed, indicating the display of the device. The display of the ECD does not require a Use of Control Report to be completed. A copy of the ECD User Report will be forwarded to the ECD Statewide Coordinator.
5. All ECD related reports will be completed and forwarded up through the chain of command to the Office of Professional Compliance. A copy will be sent to the ECD Statewide Coordinator at the FHP Training Academy.
6. All accidental discharges shall be reported and documented on an Offense/Incident Report, however, a Use of Control Report is not required for an accidental discharged.